

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MANUEL SEDILLOS,

Plaintiff,

vs.

Case No. 1:10-CV-01063 WPJ/WDS

UNITED COLLECTION BUREAU INC.

Defendant.

**DEFENDANT UNITED COLLECTION
BUREAU, INC.'S MOTION FOR PARTIAL DISMISSAL**

Plaintiff Manuel Sedillos' ("Mr. Sedillos") claim under the New Mexico Unfair Practices Act, 1978 NMSA Sections 57-12-1 *et seq.* (the "UPA") fails in part because the allegation that United Collection Bureau, Inc. ("UCB") contacted Mr. Sedillos' father about his debt does not constitute either an "unfair or deceptive trade practice" or an "unconscionable trade practice" under the UPA. Therefore, this Court should dismiss that portion of Mr. Sedillos' claim under the UPA that is based specifically upon the act of contacting Mr. Sedillos' father pursuant to Fed. R. Civ. P. 12(b)(6). Moreover, Mr. Sedillos' claim for injunctive relief under the UPA similarly fails because the UPA does not prohibit the conduct described within Mr. Sedillos' request. Mr. Sedillos' claim for injunctive relief under the UPA also inappropriately asks for a nationwide class remedy based upon New Mexico law. As such, this Court should also dismiss Mr. Sedillos' claim for injunctive relief under the UPA pursuant to Rule 12(b)(6).

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/ Jennifer G. Anderson

Jennifer G. Anderson
Zachary R. Cormier
Attorneys for the Defendant
Post Office Box 2168
Albuquerque, New Mexico 87103-2168
Telephone: 505.848.1800
jga@modrall.com
zrc@modrall.com

WE HEREBY CERTIFY that on this 1st day of June,
2011, we filed the foregoing electronically through the
CM-ECF system, which caused the following parties or
counsel to be served by electronic means:

Richard N. Feferman, Esq.
Charles Parnall, Esq.
Feferman & Warren
300 Central Ave. S.W.
Suite 2000 West
Albuquerque NM 87102

MODRALL, SPERLING, ROEHL,
HARRIS & SISK, P.A.

By: /s/ Jennifer G. Anderson
Jennifer G. Anderson

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